



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

LESTER M. PHARR

Defendant

Case No. 12-980

MEMORANDUM OPINION AND ORDER OF COURT

Before the Court is the defendant's Motion to Vacate Guilty Plea. On December 10, 2012, the defendant pled guilty to the charge of driving under the influence of alcohol, a violation of 36 CFR §4.23(a)(1). After accepting the plea, the Court ordered that a presentence investigation report be prepared and scheduled sentencing for February 20, 2013. The defendant asserts in his Motion that the Court should vacate the guilty plea because he believed that he had up to fifteen (15) days after entering the plea to change his mind and withdraw it. Rule 11(d)(2) of the Federal Rules of Criminal Procedure provides that a defendant may withdraw a plea of guilty after the court accepts the plea, but before it imposes sentence if: (A) the court rejects the plea under Rule 11(c)(5); or (B) the defendant can show a fair and just reason for requesting the withdrawal. The Court has not rejected the plea under subsection (A). Further, the Court does not find that the defendant's mistaken belief that he had fifteen (15) days after entering the plea to change his mind and withdraw it constitutes fair and just reason for requesting the withdrawal. For this reason, the Motion TO Vacate Guilty Plea is DENIED

Thomas M. DiGirolamo
United States Magistrate Judge

CC: Hollis R. Weisman, AUSA

Denise J. Banjavic, Esq.

Fax: 240-597-2299

CS
129